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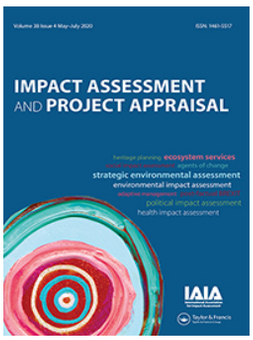

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The influence of framing on the legitimacy of impact assessment: examining the heritage impact assessments conducted for the Liverpool Waters project

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ABSTRACT

The expertise of impact assessment practitioners and the legitimacy of their reports are increasingly being questioned. We analyze the subjectivity of impact assessment by exploring how the framing undertaken within Heritage Impact Assessment (HIA) influences decision making about spatial development projects. Framing is the process by which actors order and make sense of social reality. We argue that framing influences the content, conclusions, effectiveness and legitimacy of impact assessment reports. We examined a major urban redevelopment, the Liverpool Waters project, for which three HIAs were commissioned to assess its impact on the Liverpool Maritime Mercantile City World Heritage site. These HIAs had varying outcomes with differences in baseline information, variables considered, methods used, and assessment of impacts. In our in-depth interviews with practitioners and decision makers involved with these HIAs, discussion of legitimacy centered around assumed differences between local and non-local knowledge. We argue that awareness of the role of framing is needed in the impact assessment field, and that transparency and participation by local stakeholders are crucial to prevent framing from having an undue influence.

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Cultural heritage; Heritage Impact Assessment; impact assessment effectiveness; Outstanding Universal Value; expert knowledge; historic places

Introduction

Impact assessment started in 1969 as a positivistic appraisal method in which independent, objective assessments were intended to improve decision making about spatial development projects (Owens et al. 2004; Richardson 2005; Elling 2009). However, the neutrality and objectivity of this technical-rational model of impact assessment has been widely questioned (Kørnøv and Thissen 2000; Weston 2000; Fischer 2003; Owens et al. 2004; Richardson 2005). The subjective nature of impact assessment and the existence of conflicting values (Kørnøv and Thissen 2000; Owens et al. 2004) gives reason to consider the phenomenon of 'framing' in the execution of impact assessments and the ensuing decision making processes (Hisschemöller and Hoppe 1996; Stirling 1999; Weston 2000; Owens et al. 2004). Framing is the process by which actors order and make sense of social reality (Ernste 2012). Assuming that it is impossible to establish purely objective knowledge (Mannheim 1936; Habermas 1976, 1984), this phenomenon becomes a relevant element in the study of assessment processes, more so because previous research has indicated that impact assessments are subjective (Kørnøv and Thissen 2000; Owens et al. 2004; Patiwael et al. 2019). This may imply that framing plays a role in the impact assessment process and subsequent decision making.

The purpose of this paper is to explore the roles of framing in impact assessment (specifically in Heritage Impact Assessment, hereafter: HIA) and in decision making about proposed spatial development projects. We use a major urban redevelopment project in Liverpool (UK), in an area designated as a World Heritage site, as an illustrative case to show how framing influences the effectiveness and legitimacy of HIA. The Liverpool Waters project is unusual because three separate HIAs were conducted, one by each of three protagonists: (1) Peel Holdings, the project developer and owner of the development site; (2) English Heritage (now called Historic England), the main organization responsible for safeguarding World Heritage sites in the UK; and (3) Liverpool City Council, the responsible political body. The three HIAs came to contradictory conclusions about the project's impact on the heritage values of Liverpool's historic harbor and inner city (UNESCO 2012; Patiwael et al. 2019). The diversity of the three HIAs allowed us to analyze how this divergence of conclusions originated and to consider the role of framing in the way these HIAs were conducted. The Liverpool Waters project is an important example in this respect, because it resulted in the Liverpool Maritime Mercantile City World Heritage site being placed on the List of World Heritage in Danger in 2012.

Background to the Liverpool Waters project

Liverpool Waters, the construction of which started in 2018, is one of the largest port-city redevelopment projects in Europe. The project is located in Liverpool's

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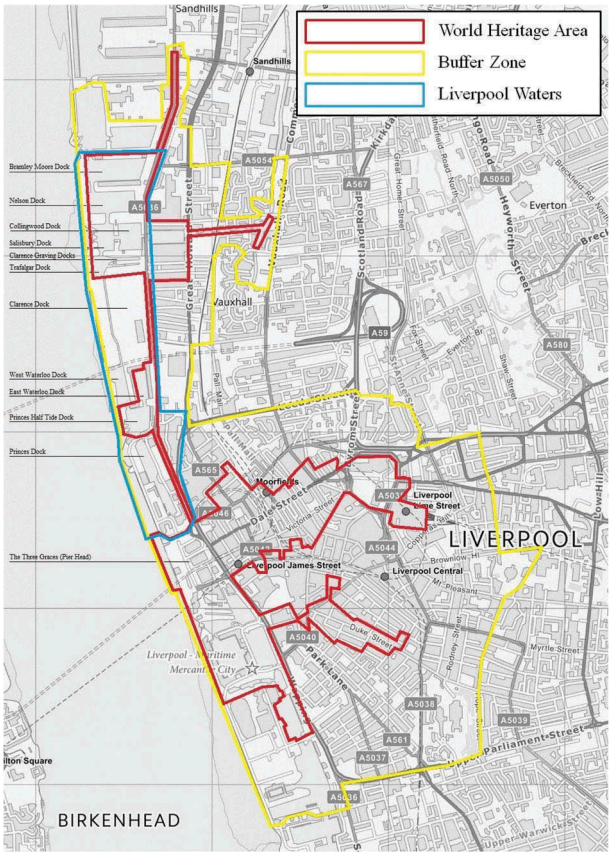

Figure 1. Map of Liverpool's World Heritage area, its buffer zone and the Liverpool Waters project.

historic harbor district (see Figure 1), which has been a World Heritage site since 2004. Officially called the Liverpool Maritime Mercantile City, this site consists of six interconnected areas in Liverpool (see Figure 1). Since these areas 'bear witness to the development of one of the World's major trading centers in the 18th and 19th centuries' (UNESCO 2019, online), UNESCO has attributed them 'outstanding universal value' (OUV). UNESCO (2019, online) adds that 'Liverpool played an important role in the growth of the British Empire and became the major port for the mass movement of people, e.g. slaves and emigrants from northern Europe to America'. Liverpool also had a seminal position in dock and warehouse design and construction, which is reflected in the surviving urban landscape of its historic harbor and inner city (Rodwell 2014; UNESCO 2019). The buildings known as 'the Three Graces' are considered to be the pinnacle of this World Heritage site (see Figure 2) and make Liverpool's harbor 'one of the most recognizable waterfront ensembles in the world' (Rodwell 2014, p.29).

Liverpool's historic harbor was the basis of Liverpool City Council's heritage-led regeneration strategy (Rodwell 2014), which presumed that World Heritage status would be a stimulus attracting investment to the city (ICC 2014). Having been in economic decline since the 1960s, the city needed investment (Sykes et al. 2013; Rodwell 2014). In 2009, the proponent Peel Holdings and Liverpool City Council agreed on a shared vision for Liverpool Waters implying 'that the scheme would capitalize upon and conserve the cultural heritage of the site' (LCC 2012, p.19). The Liverpool Waters project was seen locally as an essential step towards restoring Liverpool's former status as a global city. As a £5.5 billion redevelopment scheme, the project is a grand plan to be developed over 30 years involving multiple components with a total of 2 million square meters of floor space for residential, business and leisure purposes, including 9000 residential apartments, hotels, convention facilities, a football stadium, shipping terminals, and much more (Peel Holdings 2019). Although it had the support of Liverpool City Council and much local support, there were concerns about the impact that the project would have on Liverpool's heritage values.

It was proposed in 2010 that HIA would be used as a way to deal with these concerns. However, there was

Figure 2. Liverpool's Three Graces (source: author, 2017).

no agreed procedure for conducting HIA at the time. It was only in 2011 that the International Council on Monuments and Sites (ICOMOS), the advisory body to UNESCO on cultural heritage matters, published its *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (ICOMOS 2011). In mid-2010, both Peel Holdings (July-September) and Liverpool City Council (July-August) commissioned HIAs. English Heritage was not satisfied with these HIAs, and decided to commission its own HIA, which was conducted between December 2010 and February 2011. The lack of a clear field of practice dedicated to HIA and the limited number of experienced HIA practitioners meant that the approach and methodology for these assessments had to be developed as they went along. They agreed that they would use the *Design Manual for Roads and Bridges* (DMRB) of the British Department of Transport as their starting point (Highway Agency 1997). When the ICOMOS guidelines were published in 2011, it was agreed that all three HIAs would be updated.

Despite agreement on the methodology to be used, the three HIAs had contradictory outcomes about the impact of the Liverpool Waters project. The HIAs conducted for Peel Holdings (Liverpool Waters 2011) and Liverpool City Council (LCC 2012) concluded that the impact would be beneficial, while the HIA conducted for English Heritage (Bond 2012) concluded that the impact would be adverse. Based on the two HIAs that concluded that the project would be beneficial, in 2012 Liverpool City Council granted Liverpool Waters 'Outline Planning Approval' (i.e. approval in principle of overall development, although individual buildings would still require their own approval). However, based on the third HIA (Bond 2012), UNESCO strongly opposed the project. In November 2011, a joint UNESCO/ICOMOS reactive monitoring mission was sent to Liverpool (UNESCO 2012) and in 2012, UNESCO placed the Liverpool World Heritage site on the List of World Heritage in Danger, the first step towards withdrawing Liverpool's World Heritage status. UNESCO argued that the proposed clusters of high-rise buildings would damage the existing urban fabric and visual appearance of the historic docklands. UNESCO also argued that the clusters would detract from the Three Graces, changing the focal point of Liverpool's waterfront ensemble. Liverpool City Council contested this argument (Parveen 2016) referring to the other HIAs. This conflict between UNESCO and Liverpool City Council has resulted in Liverpool being on the verge of losing its World Heritage status for some years (Neild 2017).

The concept of framing

Conflicts in decision making are generally associated with various parties having dissonant 'frames' about a problem, its causes and solutions (Schön and Rein 1994; Salipante and Bouwen 1995; Lewicki et al. 2003; Gray 2004; Dewulf et al. 2009; Termeer 2009; Prenzel and Vanclay 2014). Because framing has been applied in a broad range of academic disciplines, a plethora of definitions for the concepts 'frames' and 'framing' circulates, having major ontological, theoretical and methodological varieties (Entman 1993; Dewulf et al. 2009; Fünfgeld and McEvoy 2014). Consistent with most scholars working with framing, we follow Goffman (1974, p.21) in conceptualizing frames as 'schemata of interpretation', providing 'access to understanding otherwise hidden institutional barriers and constraints in policy making, which relate to differences in knowledge, values, and beliefs that are represented by different frames used by policy actors' (Fünfgeld and McEvoy 2014, p.607). As such, we use a sociological approach to framing and follow Ernste (2012, p.93) who defined frames as 'culturally determined frameworks, perspectives, systems of meaning, paradigms or positions from which the actor or a group of actors order social reality and make sense of his or her actions. In a frame, values, experiences, interests, facts, theories, and cultures are combined'.

Framing inevitably influences all stages of the impact assessment process. Frames are argued to be selections of a perceived reality that are used within decision making to: (1) define the problem; (2) diagnose its causes; (3) make (moral) judgments of the causes; and (4) suggest remedies to the problem (Entman 1993; Fünfgeld and McEvoy 2014). These stages are similar to the four main stages of the impact assessment process: (1) scoping and project description; (2) baseline data collection; (3) assessment of impacts; and (4) design of mitigation and monitoring measures (Esteves et al. 2012; Vanclay et al. 2015).

There are also categorizations of what gets framed during decision making. Dewulf et al. (2009) identified three categories of frames: (1) issue frames, referring to the way the issue or problem is seen; (2) identity and relationship frames, referring to the way each party views itself, the others, and its relationships with counterparts; and (3) process frames, being the interpretations that each party has of the interaction process (the rules of the game). Identity and relationship frames arise from 'the attributions of blame and causality that we make about our experiences and about what others have done to shape our experiences' (Lewicki et al. 2003, p.23). These frames are often problematic amongst stakeholders (Innes and Booher 2010). Connected to identity and relationship frames are 'power frames', which 'convey structures of expectations about status' (Dewulf et al. 2009, p.169). Differences in status caused by dissonant power frames can contribute to conflicts in decision making as they can lead to undervaluing the expertise of some actors, thus reducing their credibility and legitimacy (Lewicki et al. 2003; Gray 2004).

While legitimacy is often seen as having legal, social, political and economic dimensions (Jijelava and Vanclay 2017), legitimacy is also seen as comprising: (1) input legitimacy, being the participatory quality of a decision making process, (2) output legitimacy, being the problem-solving quality of the decisions, and (3) throughput legitimacy, being the governance processes between input and output, including efficacy, accountability, transparency, inclusiveness, and openness (Schmidt 2013; Strebel et al. 2018). We argue that framing can affect these aspects of legitimacy in the impact assessment process and in the subsequent decision making.

Framing in the management of World Heritage sites

Over the last few decades, the field of heritage management has experienced several important theoretical shifts. These shifts have included a move away from: (1) a focus only on individual monuments to heritage areas (Ashworth 1994); (2) 'preventing change', in which all change is considered negative, to 'managing change' in which some degree of change is acceptable (Ashworth 1994; Smith 2006; Pendlebury 2013; Janssen et al. 2017); and (3) the heritage expert as the most important stakeholder to an expanded list of involved stakeholders, in particular local communities (Wall and Black 2004; Millar 2006; Jones and Shaw 2012). These changes reflect the complexity of the management of World Heritages sites, given their global-local interactions and many different stakeholders with varying cultural and economic interests (Graham et al. 2000; Wall and Black 2004; Pendlebury et al. 2009).

Because not all stakeholders in heritage management have made these shifts, heritage management is still characterized by top-down planning procedures with a strong focus on expert knowledge (Smith 2006; Pendlebury 2013; Patiwael et al. 2019). These procedures can result in conflict as there is often a discrepancy between the official valuation of heritage by government officials and international agencies, and the way it is valued (used and/or appreciated) by local communities (Evans 2002; Wall and Black 2004; Jones and Shaw 2012). Apart from the fact that local communities are often not part of the management of World Heritage sites, these sites are often frozen *in situ* and surrounded by a *cordon sanitaire* to exclude communities from their heritage (Wall and Black 2004). As a result, opposition by local communities to receiving World Heritage status has increased, because they fear the negative impacts this status could bring (Van der Aa et al. 2010; Jones and Shaw 2012). Furthermore, sites are increasingly nominated for inscription on the World Heritage List for economic and/or political reasons rather than strictly for heritage protection reasons (Frey and Steiner 2011). Such factors have resulted in an increasing dissonance about the desirable management of World Heritage sites, reflected in how opposing stakeholders frame things and the way in which they are framed themselves.

Methodology

This paper uses the Liverpool Waters project as an illustrative case to explore the roles framing plays in decision making about proposed spatial development projects in or near World Heritage sites. We first analyzed how framing occurred in the HIAs of the Liverpool Waters project by examining the content and argumentation used in the three HIAs. Afterwards, we interviewed key stakeholders and considered how framing was used in their responses to our questions about why the HIAs had different outcomes.

An analysis of the three HIAs was conducted to identify the differences between the reports so that we might seek to explain their contradictory outcomes. We examined the final versions of the HIAs, i.e. after they had been updated to comply with the ICOMOS guidelines (Liverpool Waters 2011; Bond 2012; LCC 2012). The analysis was based on differences in the four aspects of framing identified by Entman (1993) and Fünfgeld and McEvoy (2014), which were connected to the standard impact assessment framework (see above). We analyzed the differences between the HIAs regarding: (1) the description of the Liverpool Waters development project and the documents referred to in this context; (2) the heritage attributes conveying OUV that were assessed and the significance level ascribed to them; (3) the assessed impact on these attributes and the argumentation for assigning a specific severity score for each attribute; and (4) the possible measures to mitigate the negative impacts that were assessed.

During February and March 2017, 11 semi-structured interviews were conducted with local decision makers and the practitioners involved in the HIAs (see Table 1). The goal was to interview the practitioners who conducted the

Table 1. List of interviewees.

Participant	Role in the HIA process/ decision making	Stakeholder Group
P1	Chair World Heritage Site Steering Group	local heritage organization
P2	HIA Practitioner	Peel Holdings
P3	HIA Practitioner	Liverpool City Council
P4	HIA Practitioner	Liverpool City Council
P5	Heritage Champion and Head Councilor for Regeneration	Liverpool City Council
P6	Consultant Urban Planner	Peel Holdings
P7	Member World Heritage Site Steering Group	local heritage organization
P8	Development Control Manager for Liverpool Waters	Liverpool City Council
P9	Regional Director	English Heritage
P10	Senior Town Planner	Peel Holdings
P11	Researcher of World Heritage Sites	Institute of Cultural Capital (a partnership between two local universities)

Table 2. Coding scheme.

Code	Code description	Coding family
Nature of IA	Impact Assessment is seen as either objective or subjective	Issue frame
Liverpool Waters	Different understandings about the Liverpool Waters project	Issue frame
Heritage Values	Different interpretation of Liverpool's heritage values	Issue frame
Degree of change	Different views on the degree of change acceptable in heritage management	Issue frame
Influence of commissioning body	Relationship between the practitioner and the commissioning institution	Identity and relationship frame
Background practitioner	Influence of the background of the practitioner	Identity and relationship frame
UK Planning system	Understanding of the UK planning system	Identity and relationship frame
UNESCO/ICOMOS	The role of international organizations in the decision making process	Identity and relationship frame
HIA methodology	Differences in the applied HIA methodology	Process frame
Example	Liverpool in comparison to other World Heritage sites	Process frame

HIAs and relevant representatives of the three protagonists. The HIA practitioners for Peel Holdings (P2) and Liverpool City Council (P3 and P4) were interviewed, but the practitioner who conducted the HIA for English Heritage did not respond to our multiple attempts to contact him. Another stakeholder connected to English Heritage refused an interview due to the 'sensitive nature' of the project. However, we did manage to speak to other people from English Heritage. The relevant representatives were derived from the list of names given in the UNESCO Mission Report (UNESCO 2012). We also asked each interviewee to mention the most important stakeholders, and any new names mentioned were subsequently contacted.

Most interviews were conducted face-to-face in Liverpool with a small number conducted by phone or Skype. An interview guide starting from general themes moving to more specific questions about the three HIAs was used. Probing questions focused on heritage values, the HIA methodology, the overall decision making process, and collaboration with different stakeholders. All interviews were audio recorded. Informed consent was given by the participants, and other aspects of the ethics of social research were followed (Vanclay et al. 2013). The interviews were transcribed and analyzed using Atlas.ti. The analysis was based on the three categories of Dewulf et al. (2009) as described above. We applied a coding scheme using deductive and inductive codes (see Table 2).

Comparison of the three heritage impact assessments

All three HIAs described the parameters of the Liverpool Waters project similarly. Each of them referred to the planning application of Liverpool Waters and its accompanying Master Plan in their description of the project. The HIAs conducted for Peel Holdings and Liverpool City Council also referred to other documents published by Peel Holdings about Liverpool Waters, such as the conservation management plan, the masterplan and key principles document, the environmental statement, and the design and access statement. The HIA conducted for English Heritage did not refer to these documents.

All three HIAs assessed the impact of Liverpool Waters on three aspects: (1) impact on the fabric and setting of individual heritage attributes (i.e. specific elements in the heritage area that convey heritage values); (2) impact on views to landmark buildings and key views; and (3) impact on character areas (i.e. places of specific cultural significance). At the time, Liverpool City Council and English Heritage were in the process of developing a list of heritage attributes (LCC 2012). In the preliminary meetings, the protagonists agreed that this list of 44 attributes would be considered in the HIAs. However, of these attributes, 11 were not assessed in the English Heritage HIA and one was not assessed by Peel Holdings and Liverpool City Council (see Table 3). English Heritage assessed none of the gates to the docks that are part of the World Heritage site (for an example, see Figure 3). It is unclear whether the gates were not assessed (either deliberately or in error) by English Heritage, or whether they were included in the assessment of the respective docks.

There were also differences in the significance ascribed to the assessed attributes. For example, Clarence Dock and Victoria Dock (see Figure 1) were each assessed by the HIA for Liverpool City Council as having 'medium significance', by Peel Holdings as having 'high significance', and by English Heritage as having 'very high significance'.

To compare the three HIAs for the assessed impact of Liverpool Waters on each individual heritage attribute, the attributes not assessed by all three HIAs were excluded from our analysis. Table 4 shows that the HIA conducted for English Heritage assessed the impact of Liverpool Waters almost exclusively as adverse, while the HIAs conducted for Peel Holdings and Liverpool City Council assessed the impact almost exclusively as beneficial.

To analyze the differences in argumentation, we selected the nine attributes showing the largest differences in assessed impact between the HIAs (see Table 5). This analysis found six recurring differences: (1) the HIAs by Peel Holdings and Liverpool City Council assessed the value of returning the attribute back to use as being beneficial, while the HIA by English Heritage did not mention this; (2) the HIAs by Peel Holdings and Liverpool City Council assessed opening up the area to the public as beneficial, while the HIA by English Heritage did not mention this; (3) restoration of the heritage

Table 3. Differences in the heritage attributes assessed by each heritage impact assessment.

	Assessed by		
Assessed Heritage Attribute	Liverpool Waters	Liverpool City Council	English Heritage
Cast iron drinking fountain – Nelson Dock perimeter wall	√	√	
Dock Gate opposite Roberts Street	√	√	
Gate to Clarence Graving Dock	√	√	
Gate to Victoria and Trafalgar Dock	√	√	
Gate to Waterloo Dock	√	√	
North Gate to Victoria, Princes and Waterloo Docks	√	√	
Other structures to be retained around Clarence Graving Docks (3 WWII Air-raid shelters, a workshop shelter, an office building and a gate-house)	√	√	
River Entrance to Prices Half-Tide dock	√	√	
Leeds and Liverpool Canal			√
Sea wall to south of Salisbury Dock		√	
South Gate to Victoria, Princes and Waterloo Docks	√	√	
Bascule Bridge	√	√	√
Below-ground Archaeology of the Liverpool Waters Site	√	√	√
Bonded Tea warehouse. 177 Great Howard Street	√	√	√
Bramley-Moore Dock and Retaining Walls	√	√	√
Bramley-Moore Dock Hydraulic Engine House	√	√	√
Clarence Dock	√	√	√
Clarence Graving Docks	√	√	√
Collingwood Dock	√	√	√
Concrete and wooden jetty into Mersey (Princes Jetty), west of Princes Dock	√	√	√
Cunard Building	√	√	√
Dock Masters Office, Salisbury Dock	√	√	√
Dock Perimeter wall from Collingwood Dock south to Waterloo Dock, extending along Waterloo Road and Regent Road	√	√	√
Dock wall and entrances from opposite Sandhills Lane to Collings Dock	√	√	√
East Waterloo Dock	√	√	√
Former Bridewell (Police Station) and fragment of security wall NE of Clarence Graving Docks	√	√	√
Nelson Dock	√	√	√
Port of Liverpool Building	√	√	√
Princes Dock and retaining walls	√	√	√
Princes Dock boundary wall	√	√	√
Princes Dock to Bramley-Moore Dock Areas of historic surfacing and dock related infrastructure including capstans. Mooring facilities and railways	√	√	√
Princes Half-Tide dock and retaining walls	√	√	√
Royal Liver Building	√	√	√
Salisbury Dock	√	√	√
Sea wall to north island at entrance of Salisbury Dock	√	√	√
Sprague Brothers Engineering Works, 2–4 Roberts Street	√	√	√
Stanley Dock Ensemble	√	√	√
Trafalgar Dock	√	√	√
Victoria Clock Tower	√	√	√
Victoria Dock	√	√	√
Warehouse, 27 Vulcan Street	√	√	√
West Waterloo Dock	√	√	√

Figure 3. The gate to Bramley-Moore Dock (source: author, 2017).

Table 4. Number of times each impact rating is given for the 32 attributes assessed by all three heritage impact assessments.

	Very Large Beneficial	Large Beneficial	Moderate Beneficial	Slight Beneficial	Neutral	Slight Adverse	Moderate Adverse	Large Adverse	Very Large Adverse
Peel Holdings	0	1	10	4	15	1	1	0	0
Liverpool City Council	0	8	4	8	7	5	0	0	0
English Heritage	0	0	0	3	7	7	3	9	3

Table 5. Heritage attributes with the greatest differences in assessed impact.

Assessed heritage attribute	Peel Holdings	Liverpool City Council	English Heritage
Bramley-Moore Dock Hydraulic Engine House	Moderate Beneficial	Large Beneficial	Large Adverse
Clarence Graving Docks	Slight Beneficial	Large Beneficial	Large Adverse
Collingwood Dock	Moderate Beneficial	Large Beneficial	Large Adverse
Nelson Dock	Moderate Beneficial	Large Beneficial	Large Adverse
Princes Dock to Bramley-Moore Dock Areas of historic surfacing and dock related infrastructure including capstans. Mooring facilities and railways	Moderate Beneficial	Moderate Beneficial	Very Large Adverse
Salisbury Dock	Moderate Beneficial	Large Beneficial	Large Adverse
Bramley-Moore Dock and Retaining Walls	Moderate Beneficial	Moderate Beneficial	Large Adverse
Clarence Dock	Neutral	Slight Beneficial	Very Large Adverse
Trafalgar Dock	Neutral	Slight Beneficial	Very Large Adverse

attributes was mentioned by the HIAs by Peel Holdings and Liverpool City Council, but not by the HIA by English Heritage; (4) the historic relationship between the dock areas and the Victoria Clock Tower was assessed differently, resulting in differences in the impact on this relationship; (5) the effect of parking areas in the docks on the archaeological heritage was assessed differently, with the HIA by English Heritage emphasizing its negative impact to a much larger degree; and (6) the influence of high-rise buildings on the contemporary and historic setting was assessed differently.

To analyze the impact of Liverpool Waters on the key views (vistas) that are part of Liverpool's OUV, all three HIAs referred to the 34 key views described in the *Supplementary Planning Document* (SPD) for Liverpool's World Heritage site (LCC 2009, pp.136–142). Besides the ICOMOS Guidance (ICOMOS 2011) and DMRB document (Highway Agency 1997), all three HIAs referred to the 'Seeing History in the View' approach developed by English Heritage (see English Heritage 2011). Our analysis found differences in which key views were included in the assessments and differences in the impact on certain key views. For example, the HIA conducted for English Heritage assessed the high-rise nature of Liverpool Waters in Stanley Dock as not adhering to Liverpool's heritage values. In contrast, the HIAs by Peel Holdings and Liverpool City Council assessed Liverpool Waters' verticality as adhering to the historic character. Both HIAs referred to one of the criteria of Liverpool's OUV: 'The spirit of innovation illustrated by the architecture, engineering, transport, port management, labor systems, observation and communication systems created and developed in Liverpool' (LCC 2012, p. 36). The HIA by Peel Holdings argued that innovative and bold high-rise construction is part of Liverpool's OUV, that the construction of Liverpool's historic docks had been 'driven by astute commercial decisions' (Liverpool Waters 2011, p.14) and that 're-using the docks as statements of regeneration is … a tradition' (Liverpool Waters 2011, p.15). The HIA by Liverpool City Council added that high-rise construction in Liverpool's historic harbor is a continuation of these traditions in adherence to UNESCO's Historic Urban Landscape approach which acknowledges the 'layering of cultural and natural values and attributes, extending beyond the notion of the "historic center" or "ensemble" to include the broader urban context and geographical setting' (LCC 2012, p.36). The HIA by English Heritage did not address the argument that Liverpool Waters could be seen as adding a new layer to Liverpool's historic harbor, one that is compatible with its heritage values.

Concrete mitigation measures were mostly absent in all three HIAs. The HIA by English Heritage did not mention any mitigation measures that could potentially diminish the negative impacts of Liverpool Waters. The HIAs by Peel Holdings and Liverpool City Council only mentioned mitigation measures in general without specifying them. For example, the HIA by Peel Holdings proposes a *Conservation Management Plan* in which 'future monitoring, maintenance and repair of all heritage assets … will mitigate any adverse effects on the setting of individual heritage assets' (Liverpool Waters 2011, p.371). The HIA by Liverpool City Council states that the 'mitigation of impact of alterations can be fully achieved by requirement to undertake suitable localized repairs and replacement of concrete repairs through planning condition/S.106 Agreement and negotiation on detailed proposals' (LCC 2012, p.54).

Analysis of the in-depth interviews

When asked about the reasons for the different outcomes of the three HIAs, the interviewees suggested several aspects that might have played a role. Several participants indicated that political and/or commercial motives of the commissioning organization might

have (consciously or subconsciously) played a role. They considered that a consultant might steer the conclusions towards the opinion of the commissioning party. As stated by one participant (P8):

> "We never get one [HIA] from a developer where it is coming to the wrong conclusion, that doesn't support their scheme. … It is almost like they are paying for something that justifies their scheme". … "you might say that the people that are opposed to the operation [by which he meant English Heritage] … there might be some pressure [for them] to come to that view as well".

Participant P1 was of the same view:

> "What matters to a consultant is, above all else, its relationship with its client. The client is paying, so the consultant has to produce a report that the client wants. Because, if he doesn't produce a report that the client wants, he is not going to get any work with the client in the future".

Another influence most participants mentioned was subjectivity in assessing impacts. In the words of Participant P3:

> "Heritage Impact Assessments are written by people … You might do the same methodology and reach a completely different conclusion. … No matter how tightly you bind your methodology, you can't measure it completely objectively, because there is a degree of subjectivity. So your allowances for, '*is that tall building okay?*' may be different to my allowances for tall buildings".

The participants identified several elements that made HIA subjective: (1) different views on heritage values; (2) different views on heritage management; and (3) different views about the project. Participant P9 added that the measurement scale used in the HIA methodology contributed to subjectivity in the assessment:

> "I think one of the issues with it [the HIA methodology] is the nine point scale, from major beneficial impact to major adverse impact, and I think having such a long scale results in considerable potential for people to reach relatively subjective opinions on where you score the various impacts".

When describing the subjective nature of HIA and the controversy about Liverpool Waters, most participants referred to identity and relationship frames. The participants not from Liverpool described the strong Liverpudlian character. For example, Participant P9 stated:

> "there is something about the Liverpool character that says '*we're going to do our own thing and we're really proud of the fact that we do our own thing, and we don't really like people from outside telling us what to do*'. You know, whether that [the people from outside] is English Heritage as it was then, or Manchester, whether it is the national government or whether it is UNESCO".

Participant P11 added: 'It is like a mini Brexit in Liverpool. Many people were saying: "*We don't need it* [the World Heritage status]. *We got it* [the heritage] *ourselves. We can do what we want with it. It is our asset*"'. Several participants from Liverpool also stressed the importance of this strong Liverpudlian identity. For example, Participant P3 stated:

> "there was something about the intangible character of Liverpool that needed to be captured in a development like this [Liverpool Waters]. … So the characteristics of … [it are] innovation, purposefulness, commerciality, [and] a wonderful Liverpool English word 'edginess'".

The HIA practitioners from Peel Holdings (P2) and Liverpool City Council (P3 and P4), all from Liverpool, referred to differences between local knowledge and non-local knowledge to explain the different outcome of the HIA conducted for English Heritage, whose practitioner was not from Liverpool. For example, Participant P2 stated:

> "I am from Liverpool and I have been involved in this all my life. The consultants who English Heritage engaged are based in the southwest of England … and I felt that they were slightly out of their depth in dealing with Liverpool, which may have something to do with their understanding of the issues".

The importance of local versus non-local knowledge was also mentioned with reference to ICOMOS and UNESCO. Participant P1 referred to how Liverpool was treated differently than other English World Heritage sites by stating: 'If you look at London's Tower of London World Heritage site, you see the tallest building in Western Europe [The Shard], which for some reason hasn't caused any fuss at all'. Some participants also questioned whether ICOMOS and UNESCO understood what had actually received planning permission. For example, Participant P2 stated:

> "our planning system and type of consensus is not dealing with particularities, it is dealing with a kind of broader perspective. And that, I think, many of the countries, who have a place on the UNESCO committee, don't understand. The UK planning system is a mystery to them".

Participant P10 acknowledged this by stating: 'UNESCO don't have a full-on understanding of what is going on. … it was almost as a layperson speaking. … I think it was the first time they visited Liverpool … and it showed in their reports'.

Discussion: the role of framing in heritage impact assessment

The analysis of the three HIAs conducted for the Liverpool Waters project and the interviews with HIA practitioners and other stakeholders reflected differences connected to the three shifts in heritage

management discussed earlier in the paper. The analysis found differences in: (1) the attributes assessed; (2) the significance given to specific attributes; (3) the impacts of the project in relation to the attributes; and (4) the proposed mitigation measures. The HIA reports had differences revealing the first shift in heritage management (i.e. from individual monuments to heritage areas) and the second shift in heritage management (i.e. from preventing change to managing change), but not the third shift in heritage management (i.e. from the heritage expert as most important stakeholder to the local community). The interviews indicated that the HIA practitioners and stakeholders ascribed the different outcomes to: (1) HIA being a subjective practice; (2) different understandings of Liverpool's heritage values; (3) mistreatment compared to other cities (e.g. London); and (4) the difference between local and non-local knowledge. The latter point was one of the stronger narratives during the interviews, and seems connected to the third shift in heritage management. This raises questions about the characteristics necessary of a HIA practitioner and whether a local connection is essential or undesirable.

All three categories identified by Dewulf et al. (2009) about what gets framed occurred during the interviews, but identity and relationship frames seemed to be the more important one amongst participants in their explanations of the different outcomes. The preference for local knowledge over non-local knowledge was stressed not only by local HIA practitioners and stakeholders but also by the non-local stakeholders. Differences between local and non-local knowledge were also seen as being the reason for differences in how issues were framed and how the process was framed. The HIA conducted for English Heritage by a non-local heritage consultant, and the advice given by ICOMOS and UNESCO, were contested at the local level as a result of perceived differences in heritage values and heritage management. In other words, input legitimacy of the HIA report by English Heritage was lost at the local level as a result of identity and relationship frames, which in turn resulted in a loss of output legitimacy. Throughput legitimacy was not mentioned in this context. The participants provided similar reasoning for the loss of input and subsequently output legitimacy of the decision making by UNESCO and ICOMOS. By following the conclusions of the HIA report by English Heritage and mostly ignoring the HIA reports by Peel Holdings and Liverpool City Council, local legitimacy was lost in ICOMOS's opposition to the Liverpool Waters project and UNESCO's decision to place Liverpool on the List of World Heritage in Danger. This loss of local legitimacy, whether justified or not, indicates that expertise can be undermined in cases where identity and relationship frames are linked to power frames (Lewicki et al. 2003; Gray 2004; Dewulf et al. 2009). This raises questions about who conducts a HIA and how to prevent the report from being dismissed as inaccurate by local stakeholders.

Qualitative research is influenced by the temporal context in which it was conducted (Kvale and Brinkmann 2009; Mann 2011). The interviews were held shortly after the UK had voted to leave the EU in the Brexit referendum in 2016 and this was a topic mentioned by most participants. Fischer (2016, p.184) has already discussed the possible effect of Brexit on the field of impact assessment by stating that Brexit is 'a powerful reminder that it is unlikely for [Impact Assessment] to succeed in effectively influencing stakeholders if it only aims at delivering (scientific) evidence, in particular in what has been dubbed a "post-factual" world'. Brexit is a manifestation of the geography of discontent in which economically weaker regions show a strong anti-globalization and anti-expert sentiment (Los et al. 2017; McCann 2018). As explained by Rodríguez-Pose (2018, p.189), the narratives of 'poor development prospects and an increasing belief that these places have "no future" … have led many of these so-called "places that don't matter" to revolt against the status quo'.

Despite Liverpool voting to remain in the EU (Los et al. 2017), the Brexit referendum shows similarities to the findings in this paper about the role framing played in the decision making about Liverpool Waters. Several participants referred to other British World Heritage sites where large spatial development projects had not resulted in inscription on the List of World Heritage in Danger. The narrative that Liverpool was being made an example of by UNESCO because it was an easier target than London can be seen as being another manifestation of the geography of discontent. However, while the narratives about Brexit can be seen as being post-factual (Sayer 2017), we argue that the narratives about the impact of the Liverpool Waters project can be seen as what we call 'multi-factual'. Because the HIA process is subjective and is affected by the practitioner's positioning regarding the multiple shifts in heritage management (Patiwael et al. 2019), the different outcomes of the three HIAs cannot be ascribed to just being post-factual. There has already been a call for a less technocratic nature of impact assessment (Fischer 2003; Khakee 2003; Richardson 2005; Abrahams 2017) and for the impact assessment process to 'engage with competing multiple rationalities, and the inescapable presence of value conflicts' (Richardson 2005, p.341). HIAs are bound to have some differences depending on who conducts the assessment due to the practitioner's views regarding the shifts in heritage management. As

such, the decision making about a project could result in opposing views in which the problem, its causes, moral judgments, and possible remedies differ amongst stakeholders. The decision making about the Liverpool Waters project indicates that these differences can result in an opposition between local and non-local knowledge that can result in disagreement between local and non-local stakeholders. This can result in a HIA practitioner losing credibility and a HIA report losing legitimacy amongst local decision makers.

Conclusion

The purpose of this paper was to explore the roles of framing in impact assessment (specifically in HIA) and in decision making about proposed spatial development projects. Using the three HIAs conducted for the Liverpool Waters project, we found that the HIA methodology was seen as a subjective practice and that identity and relationship frames are important in decision making about spatial development projects.

It is often argued that local communities should be involved in the management of a World Heritage site (Wall and Black 2004; Millar 2006; Jones and Shaw 2012). The Liverpool Waters case also shows that involvement of the local stakeholders in the decision making process is essential, because a lack of involvement could result in dissonance between UNESCO and local decision makers, because different priorities result in opposing frames and narratives. Local stakeholder involvement in the HIA process could help prevent the loss of legitimacy of a HIA report at the local decision making level. In a time when expertise and international organizations are being contested, this raises questions about the role HIA can play in the management of World Heritage sites. Due to discursive differences in heritage management and different priorities amongst stakeholders, decision making about spatial development projects is bound to include stakeholders with contrasting if not contradictory views. Key to the effectiveness of HIAs is that the legitimacy of the report is not questioned by those stakeholders who would have preferred a different outcome. As argued in both the field of heritage management and the field of impact assessment, this calls for a more transparent impact assessment process in which local stakeholders are involved.

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